

REMARKS

Applicants acknowledge that the Examiner has not considered certain references cited in their Information Disclosure Statement filed November 25, 2002. Applicants will diligently provide the Examiner with copies of all cited references as soon as they come to hand.¹

Applicants acknowledge that the previously-asserted ground of rejection based on 35 U.S.C. §112, 2d paragraph have been withdrawn.

A. The claims are not anticipated by the cited reference.

The pending claims stand rejected on 35 U.S.C. §102(e) grounds over the disclosure of U.S. Patent No. 6,485,947. Specifically, the Examiner points to the disclosure found at columns 28-29 of the '947 patent as providing an anticipating disclosure.

Applicants submit herewith (in unsigned version) a copy of a declaration pursuant to 37 C.F.R. §1.132 of Vineet Rajgarhia, a named inventor on the '947 patent and of the instant application. Dr. Rajgarhia attests that the invention disclosed in columns 28 and 29 of the '947 patent is his own and thus not the invention of another, and hence is not prior art under 35 U.S.C. §102(e).

Applicants thus respectfully request that this ground of rejection be withdrawn.

CONCLUSION

It is believed that all requirements of patentability are fully met, and that the claims are free of the prior art. Allowance of the claims is thereby respectfully solicited.

¹ Applicants are providing only certain portions of the Sambrook *et al.* and Danner *et al.* references cited in their specification, in view of the length of these references.

If the Examiner in charge of this application believes it to be helpful, he or she is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,

McDonnell Bochen Hulbert & Berghoff

By: 

Kevin E. Noonan, Ph.D.
Reg. No. 35,303

Dated: December 23, 2004